



- ◆ Administrative Office of the United States Courts ◆ Bureau of Justice Statistics
- ◆ Executive Office for the United States Attorneys ◆ Federal Bureau of Prisons
- ◆ United States Sentencing Commission

Comparing Case Processing Statistics

Information describing Federal criminal case processing is decentralized. Each of the Federal criminal justice agencies collects similar data describing criminal case processing events. However, based on the specific needs and missions of the individual agencies, different definitions are used to tabulate and report these data. Therefore, statistics published or reported by the agencies are not directly comparable. The differences in reported statistics are primarily due to the way in which the agencies:

- Define *defendants processed*
- Classify *offense committed*
- Classify *disposition* and *sentence imposed*.

Federal criminal justice agencies

The *Department of Justice* collects data on the workload and activities of the United States attorneys. According to the Executive Office for the U.S. Attorneys, the U.S. attorneys initiate approximately 95 percent of the criminal cases prosecuted by the Department. Litigating divisions of the Department handle the remaining cases. While many of the cases initiated by the litigating divisions are included in the U.S. attorneys' database, each division maintains its own separate data collection system to track cases processed.

Comparison of the number of defendants processed by Federal agencies, 1994

Defendants —	All offenses				Drug trafficking offenses only			
	Executive Office for U.S. Attorneys	Administrative Office of the U.S. Courts	U.S. Sentencing Commission	Federal Bureau of Prisons	Executive Office for U.S. Attorneys	Administrative Office of the U.S. Courts	U.S. Sentencing Commission	Federal Bureau of Prisons
Cases filed	51,264	62,956	NA	NA	18,039	20,144	NA	NA
Cases terminated	49,792	62,155	NA	NA	17,603	19,124	NA	NA
Convicted and sentenced	42,459	49,717	39,971	NA	14,971	16,005	15,491	NA
Imprisoned	30,874	33,554	29,062	34,480	13,641	14,653	14,213	14,665

The table illustrates how these differences affect the total number of defendants and the number of drug trafficking defendants recorded by the agencies at various stages of the Federal criminal justice system. For example, **the number of defendants in cases filed** that is reported by the Federal judiciary is higher than that reported by the U.S. attorneys. Unlike the Federal judiciary, the U.S. attorneys report only cases filed before U.S. district court judges (primarily felonies); cases filed before U.S. magistrate judges (primarily misdemeanors) are reported separately.

As part of an interagency effort to reconcile the differences in statistics reported by Federal criminal justice agencies, this report identifies the primary differences in the case processing statistics. Additionally, the agencies are working to develop a methodology that will facilitate the comparison of criminal case processing statistics across agencies. Further, the Bureau of Justice Statistics will continue to publish its *Compendium of Federal Justice Statistics*, which, by using data obtained from each Federal agency, reports statistics describing each phase of the Federal criminal justice system.

The *Administrative Office of the United States Courts* collects data on the caseload and activities of the Federal judiciary including district court judges, magistrate judges, and the probation and pretrial services system. The Federal judiciary handles all Federal criminal cases whether initiated by the U.S. attorney offices in each judicial district or by other divisions within the Department of Justice.

The *United States Sentencing Commission*, while not collecting workload statistics, collects data on defendants convicted in Federal courts who were sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that approximately 86 percent of all defendants convicted are sentenced pursuant to the Federal sentencing guidelines.

The *Bureau of Prisons* collects data on Federal prisoners. Reported statistics include size (including admissions, releases, and standing count) and composition of the Federal prison population.

Comparing published Federal case processing statistics

While each of the Federal agencies processing criminal defendants generally reports on the same individuals, many of the case processing statistics describing these individuals vary across agencies. The differences in these case processing statistics are attributable, in part, to the differing needs and missions of the agencies. For example, in the U.S. attorneys reports, a case involving drugs that might otherwise be classified as a drug trafficking offense based on the statute(s) charged might be classified as a *Project Triggerlock* offense if specific elements of the case indicate that the defendant was a repeat weapons offender. The primary differences in data collection techniques are described below:

Defendants processed

Even though there is an identifiable cohort of individuals processed in the criminal justice system, the definition of a defendant can vary across agencies. The U.S. attorneys and the Federal judiciary have similar definitions of a criminal defendant. The U.S. attorneys define a criminal defendant as person for whom a significant paper has been filed in Federal court before either a U.S. district court judge or a U.S. magistrate judge. The Federal judiciary defines a criminal defendant as a person against whom a U.S. district court judge or a U.S. magistrate judge has taken a specific action. (While the U.S. attorneys and the Federal judiciary define defendants in similar ways, the U.S. attorneys report separately the number of cases filed before U.S. magistrate judges.) For both the U.S. attorneys and the Federal judiciary, an individual person may be counted more than once if the defendant appeared in more than one case. The Sentencing Commission, on the other hand, defines a defendant as a person for whom a sentencing event has occurred. Unlike the U.S. attorneys and the Federal judiciary, the Sentencing Commission counts individual defendants more than once only if the defendant was sentenced on more than one occasion, i.e., multiple charges against the defendant were not consolidated for sentencing. Therefore, defendant counts reported by the Sentencing Commission are typically lower than those reported by the U.S. attorneys and the Federal judiciary.

Offenses committed

The Federal code defines hundreds of laws for which defendants can be criminally prosecuted. While all agencies collect statute-specific offense data, data describing criminal statutes are typically consolidated into more descriptive offense categories for reporting or management purposes. Even though each agency consolidates the Federal statutes using the same generic criteria, like the substance of the offense (e.g., murder, fraud, and drugs), the composition of these categories often varies by agency. Unlike offense categories reported by the Federal judiciary, the U.S. Sentencing Commission, and the Bureau of Prisons, those reported by the U.S. attorneys are not based entirely on statutes. The U.S. attorneys assign program categories and charges according to the type of criminal action or specific departmental initiative. For some offenses, particularly fraud offenses, the U.S. attorneys' program categories are more descriptive than the offense categories used by other agencies. For example, an offense charged under a specific fraud statute would be assigned a program category by the U.S. attorneys that details a specific type of fraud,

e.g., health care fraud; or, an offense charged under a weapons statute might be assigned a program category that indicates *Project Triggerlock* if the defendant was a repeat weapons offender.

The U.S. attorneys assign the most significant, or most serious, offense in a manner that also differs from the Federal judiciary, the Sentencing Commission, and the Bureau of Prisons. The U.S. attorneys assign the most significant offense based on the priority of a particular program category within the Department of Justice, whereas the other agencies define the most significant offense based on the offense statutory maximum (or, in the case of the Bureau of Prisons, the actual sentence imposed).

Disposition and sentence imposed

Only the U.S. attorneys and the Federal judiciary report on the number of defendants terminated during a given reporting period. In describing the offenses for which defendants were convicted, classification of the terminating offense differs by agency. The U.S. attorneys report the original program category assigned regardless of whether the defendant was convicted of the charge associated with that program category. The other agencies report the most serious offense for which the defendant was actually adjudicated.

Each agency reports whether imprisonment or probation was imposed and the duration of the term as well as whether a fine and/or restitution was ordered. However, the reporting of sentences imposed has a different priority within each agency. For instance, in furtherance of its mission to promulgate the Federal sentencing guidelines, the Commission collects the most detailed data on sentences imposed and the mechanisms for determining the sentence.

Bureau of Justice Statistics

Recognizing the incomparability of case processing statistics across Federal agencies, in 1982, the Bureau of Justice Statistics implemented the Federal Justice Statistics Program. The goals of the Federal Justice Statistics Program are to provide uniform case processing statistics across different stages of the Federal criminal justice system and to track individual defendants from one stage of the process to another. Using data obtained from each of the Federal agencies, the Bureau of Justice Statistics compiles comprehensive information describing individuals processed in the Federal criminal justice system. Uniform definitions are applied to commonly used statistics describing data from each stage of the criminal justice process. Further, because the definitions used in the Federal Justice Statistics Program are consistent with the definitions used by other Bureau of Justice Statistics programs, the comparison of Federal and State case processing statistics is facilitated.

The Bureau of Justice Statistics publishes three series of publications describing the Federal criminal justice system: the *Compendium of Federal Justice Statistics*, an annual publication that describes events occurring in the Federal criminal justice system; *Federal Criminal Case Processing*, also an annual publication that reports case processing statistics from several years permitting the examination of trends in the Federal criminal justice system; and, a series of Special Reports addressing specific aspects of the Federal criminal justice system, specific offenses, or other special issues of interest.